

रजिस्ट्रेशन नं० पी०/एस० एम० 14.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 12 अप्रैल, 1980/23 चैत्र, 1902

हिमाचल प्रदेश सरकार

हिमाचल प्रदेश चतुर्थ विधान सभा

अधिसूचनाएं

शिमला-171004, 9 अप्रैल, 1980

संख्या 1-13/80-वि० स०.—हिमाचल प्रदेश विधान सभा की प्रक्रिया एवं कार्य संचालन नियम, 1973 के नियम 135 के अन्तर्गत, हिमाचल प्रदेश विनियोग विधेयक, 1980 (1980 का विधेयक संख्यांक 5) जोकि दिनांक 9 अप्रैल, 1980 को हिमाचल प्रदेश चतुर्थ विधान सभा में पुरःस्थापित किया गया है की एक-एक प्रति हिन्दी एवं अंग्रेजी में, सर्वसाधारण की सूचनार्थ हिमाचल प्रदेश सरकार के राजपत्र में मुद्रित करने हेतु प्रेषित की जाती है।

सुरेन्द्र प्रकाश,
सचिव।

हिमाचल प्रदेश विनियोग विधेयक, 1980

(जैसा कि विधान सभा में पुरःस्थापित किया गया)

वित्तीय वर्ष 1980-81 के लिए हिमाचल प्रदेश राज्य की संचित निधि में से सेवाओं के लिए कतिपय धनराशि के भुगतान को अधिकृत करने और उनके विनियोग करने हेतु—

विधेयक 1

भारतीय गणराज्य के इक्तीसवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में अधिनियमित होः—

संक्षिप्त नाम । 1. यह अधिनियम हिमाचल प्रदेश विनियोग अधिनियम, 1980 कहलाएगा ।

वर्ष 1980-81 के लिए हिमाचल प्रदेश राज्य की संचित निधि में से 2,85,49,31,000 रुपये की राशि निकालना ।

2. हिमाचल प्रदेश राज्य की संचित निधि में से अनुसूची के तीसरे स्तम्भ में निर्दिष्ट धन राशियां जिनका जोड़ हिमाचल प्रदेश विनियोग (लेखानुदान) अधिनियम, 1980 की अनुसूची के तीसरे स्तम्भ में निर्दिष्ट धन राशियों को मिलाकर दो अरब पचासी करोड़ उन्चास लाख, इक्तीस हजार रुपये (रु० 2,85,49,31,000) है निकाली जाए और उनका वित्तीय वर्ष 1980-81 की अवधि में अनुसूची के दूसरे स्तम्भ में निर्दिष्ट सेवाओं तथा परियोजनाओं से सम्बन्धित प्रभागों के भुगतान हेतु उपयोग की जाए ।

1980 का 2

विनियोग ।

3. हिमाचल प्रदेश राज्य की संचित निधि में से इस अधिनियम द्वारा जिन धन राशियों को निकालने और उनका उपयोग करने के लिए अधिकृत किया गया है उन धन राशियों का विनियोग धारा 2 में उल्लिखित अवधि के सम्बन्ध में अनुसूची में प्रदर्शित सेवाओं तथा प्रयोजनों के लिए किया जाएगा ।

अनुसूची
(देखिये धाराएं 2 और 3)

मांग संख्या	सेवायें एवं प्रयोजन	निम्नलिखित राशियों से अनाधिक		जोड़
		विधान सभा द्वारा दत्तमत	संचित निधि पर प्रभारित	
1	2	3	4	
		रु०	रु०	रु०
1	विधान सभा तथा निर्वाचन	58,57,000	1,10,000	59,67,000
2	राज्यपाल तथा मन्त्रिपरिषद्	23,92,000	10,77,000	34,69,000
3	न्याय प्रशासन	77,68,000	20,04,000	97,72,000
4	सामान्य प्रशासन	4,87,13,000	7,50,000	4,94,63,000
5	भू-राजस्व	3,69,40,000	—	3,69,40,000
6	आवकारी तथा कराधान	1,08,22,000	—	1,08,22,000
7	पुलिस तथा अग्नि सुरक्षा	8,31,17,000	1,000	8,31,18,000
8	शिक्षा, कला तथा संस्कृति एवं वैज्ञानिक अनुसंधान	38,29,93,000	—	38,29,93,000
9	चिकित्सा और परिवार नियोजन	13,14,41,000	—	13,14,41,000
0	लोक निर्माण	23,82,00,000	—	23,82,00,000
1	कृषि	13,19,64,000	—	13,19,64,000
2	लघु सिंचाई	10,62,30,000	—	10,62,30,000
3	भूमि तथा जल संरक्षण	4,47,55,000	—	4,47,55,000
4	पशु पालन तथा दुग्ध विकास	6,34,66,000	—	6,34,66,000
5	मत्स्य	35,07,000	—	35,07,000
6	वन	11,50,68,000	—	11,50,68,000
7	सड़कें तथा पुल	28,11,13,000	—	28,11,13,000
8	सप्लाई, उद्योग तथा खनिज	5,87,98,000	—	5,87,98,000
9	सामाजिक सुरक्षा, कल्याण तथा जेलें	3,98,49,000	—	3,98,49,000
10	लोक स्वास्थ्य, स्वच्छता एवं जल आपूर्ति	22,99,51,000	—	22,99,51,000
11	सामुदायिक विकास	8,39,31,000	—	8,39,31,000
12	सहकारिता	4,10,37,000	—	4,10,37,000
13	खाद्य एवं पोषाहार	6,39,44,000	—	6,39,44,000
14	जल तथा विद्युत विकास	12,18,00,000	—	12,18,00,000
15	सिंचाई, नावचालन, जल निकास तथा बाढ़ नियन्त्रण	3,98,00,000	—	3,98,00,000
16	लेखन सामग्री तथा मुद्रण	1,59,63,000	—	1,59,63,000
17	सड़क परिवहन	1,49,63,000	—	1,49,63,000
18	पर्यटन	87,59,000	—	87,59,000
29	श्रम तथा रोजगार	4,88,76,000	—	4,88,76,000
30	आवास	2,26,38,000	—	2,26,38,000
31	नगर विकास	76,00,000	—	76,00,000
32	अन्य प्रशासनिक सेवायें	2,49,27,000	—	2,49,27,000
33	वित्त	4,20,12,000	27,39,75,000	31,59,87,000
34	सरकारी कर्मचारियों को ऋण	1,78,20,000	—	1,78,20,000
कुल जोड़		2,57,70,14,000	27,79,17,000	2,85,49,31,000

उद्देश्य तथा कारणों का विवरण

यह विधेयक हिमाचल प्रदेश सरकार के वित्तीय वर्ष 1980-81 के लिये अनुमानित व्यय के सम्बन्ध में संचित निधि पर प्रभारित तथा विधान सभा द्वारा दत्तमत व्यय, पूरा करने के लिए अपेक्षित धन को हिमाचल प्रदेश राज्य की संचित निधि में से विनियोग करने की व्यवस्था करने हेतु भारतीय संविधान के अनुच्छेद 204 की धारा (1) के अनुसार पुरःस्थापित किया जाता है।

राम लाल,
मुख्य मन्त्री।

शिमला:

9 अप्रैल, 1980

भारतीय संविधान के अनुच्छेद 207 के अन्तर्गत राज्यपाल के अभिस्ताव

[वित्त विभाग फाइल संख्या फिन-1-सी (1) 29/79]

राज्यपाल ने भारतीय संविधान के अनुच्छेद 207 के अन्तर्गत प्रस्तावित हिमाचल प्रदेश विनियोग विधेयक, 1980 के विषय की सूचना मिलने पर उक्त विधेयक को विधान सभा में पुरःस्थापित करने तथा सभा द्वारा उस पर विचार करने हेतु अभिस्ताव किया है।

Bill No. 5 of 1980.

THE HIMACHAL PRADESH APPROPRIATION BILL, 1980

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Himachal Pradesh for the services of the financial year, 1980-81.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-first Year of the Republic of India, as follows:—

1. This Act may be called the Himachal Pradesh Appropriation Act, 1980. Short title.

2. From and out of the Consolidated Fund of the State of Himachal Pradesh, there may be paid and applied sums not exceeding those specified in column (3) of the Schedule amounting in the aggregate, inclusive of sums specified in column (3) of the Schedule to the Himachal Pradesh Appropriation (Vote on Account) Act, 1980 to the sum of two hundred eighty-five crores, forty-nine lakhs, thirty-one thousand rupees only (Rs. 2,85,49,31,000) towards defraying the several charges which will come in course of payment during the financial year, 1980-81 in respect of the services and purposes specified in column (2) of the Schedule. Issue of a sum of Rs. 2,85,49,31,000 out of the Consolidated Fund of the State of Himachal Pradesh for the financial year 1980-81.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Himachal Pradesh by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the period mentioned in section 2 of this Act. Appropriation.

THE SCHEDULE
(See sections 2 and 3)

No. of Vote	Services and Purposes	Sums not exceeding		Total
		Voted by Legislative Assembly	Charged on the Consolidated Fund	
1	2	3	4	
		Rs.	Rs.	Rs.
1	Vidhan Sabha and Elections	58,57,000	1,10,000	59,67,000
2	Governor and Council of Ministers ..	23,92,000	10,77,000	34,69,000
3	Administration of Justice ..	77,68,000	20,04,000	97,72,000
4	General Administration ..	4,87,13,000	7,50,000	4,94,63,000
5	Land Revenue ..	3,69,40,000	—	3,69,40,000
6	Excise and Taxation ..	1,08,22,000	—	1,08,22,000
7	Police and Fire Protection ..	8,31,17,000	1,000	8,31,18,000
8	Education, Art and Cultural Affairs and Scientific Research ..	38,29,93,000	—	38,29,93,000
9	Medical and Family Planning ..	13,14,41,000	—	13,14,41,000
10	Public Works ..	23,82,00,000	—	23,82,00,000
11	Agriculture ..	13,19,64,000	—	13,19,64,000
12	Minor Irrigation ..	10,62,30,000	—	10,62,30,000
13	Soil and Water Conservation	4,47,55,000	—	4,47,55,000
14	Animal Husbandry and Dairy Development ..	6,34,66,000	—	6,34,66,000
15	Fisheries ..	35,07,000	—	35,07,000
16	Forest ..	11,50,68,000	—	11,50,68,000
17	Roads and Bridges ..	28,11,13,000	—	28,11,13,000
18	Supplies, Industries and Minerals ..	5,87,98,000	—	5,87,98,000
19	Social Security, Welfare and Jails ..	3,98,49,000	—	3,98,49,000
20	Public Health, Sanitation and Water Supply ..	22,99,51,000	—	22,99,51,000
21	Community Development ..	8,39,31,000	—	8,39,31,000
22	Co-operation ..	4,10,37,000	—	4,10,37,000
23	Food and Nutrition ..	6,39,44,000	—	6,39,44,000
24	Water and Power Develop- ment ..	12,18,00,000	—	12,18,00,000

1	2	3	4
		Rs.	Rs.
25	Irrigation, Navigation, Drainage and Flood Control ..	3,98,00,000	— 3,98,00,000
26	Stationery and Printing ..	1,59,63,000	— 1,59,63,000
27	Road Transport ..	1,49,63,000	— 1,49,63,000
28	Tourism ..	87,59,000	— 87,59,000
29	Labour and Employment ..	4,88,76,000	— 4,88,76,000
30	Housing ..	2,26,38,000	— 2,26,38,000
31	Urban Development ..	76,00,000	— 76,00,000
32	Other Administrative Services ..	2,49,27,000	— 2,49,27,000
33	Finance ..	4,20,12,000	27,39,75,000 31,59,87,000
34	Loans to Government Servants ..	1,78,20,000	— 1,78,20,000
Total ..		2,57,70,14,000	27,79,17,000 2,85,49,31,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of clause (1) of Article 204 of the Constitution of India, to provide for the appropriation from and out of the Consolidated Fund of the State of Himachal Pradesh of the moneys required to meet the expenditure charged on the Consolidated Fund and other expenditure as voted by the Legislative Assembly in respect of the estimated expenditure of the Government of Himachal Pradesh for the financial year, 1980-81.

SIMLA:
the 9 April, 1980.

RAM LALL,
Chief Minister.

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE
CONSTITUTION OF INDIA

[Finance Department File No. Fin.1-C(1)29/79]

The Governor, having been informed of the subject-matter of the proposed Himachal Pradesh Appropriation Bill, 1980, recommends, under Article 207 of the Constitution of India, the introduction in, and consideration by the Legislative Assembly of the said Bill.

शिमला-171004, 7 अप्रैल, 1980

संख्या 1-16/80-वि०स०.—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य संचालन नियम, 1973 के नियम 135 के अन्तर्गत, हिमाचल प्रदेश म्युनिसिपल (एमैण्डमेन्ट एण्ड वैलिडेशन) बिल, 1980 (बिल नम्बर 4 ऑफ 1980) जोकि हिमाचल प्रदेश विधान सभा में दिनांक 7 अप्रैल, 1980 को पुरःस्थापित किया गया है, की एक प्रति सर्वसाधारण की सूचनार्थ हिमाचल प्रदेश सरकार के राजपत्र में मुद्रित करवाने हेतु प्रेषित की जाती है।

सुरेन्द्र प्रकाश,
सचिव ।

Bill No. 4 of 1980.

THE HIMACHAL PRADESH MUNICIPAL (AMENDMENT AND VALIDATION) BILL, 1980

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A BILL

further to amend the Himachal Pradesh Municipal Act, 1968 (Act No. 19 of 1968) and to validate the co-option of members of the Municipal Committees and other ancillary matters thereto.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Municipal (Amendment and Validation) Act, 1980.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. For the existing section 11-B of the Himachal Pradesh Municipal Act, 1968 (hereinafter called the principal Act), the following section 11-B shall be substituted, namely:—

Substitution
of section
11-B.

“11-B. (1) The co-option referred to in section 11-A shall be made, in the prescribed manner, in the meeting after the election of the President and the Vice-President from amongst persons who are otherwise qualified to be elected as members:

Provided that whenever a casual vacancy occurs in the office of a co-opted member the co-option shall be made within a period of thirty days from the occurrence of the vacancy.

(2) In the event of failure to co-opt a member under section 11-A, or in accordance with the provisions of sub-section (1), the elected members of the Committee shall cease to have the right of co-option and thereupon the Government may nominate a person who is eligible to be co-opted under section 11-A to be a member of such Committee.”

3. After the existing section 252 of the principal Act, the following new section 252-A, along with its heading, shall be inserted, namely:—

Insertion of
section
252-A.

“252-A. Power of Government to appoint Administrator of the Committee/Notified Area Committee, pending its election.—Notwithstanding anything to the contrary contained in the Act, the State Government may, until the Municipal Committee is elected in accordance with the provisions of Chapter III of the Act, or the Notified Area Committee is elected under section 257-A of the Act, appoint any person to act as the Administrator and to discharge all the duties and to exercise all the powers of the Municipal Committee, or the Notified Area Committee, as the case may be.”

Validation
of co-option
of mem-
bers.

4. Notwithstanding the amendment made in section 11-B of the principal Act under section 2 of this Act, or anything to the contrary contained in the principal Act or the rules/bye-laws framed thereunder, any co-option made by the elected members of a committee, after the expiry of the period of thirty days from the date of the commencement of the Himachal Pradesh Municipal (Amendment) Act, 1977 shall be deemed to be, and to have always been, made by such elected members in accordance with law and the persons co-opted as members shall be deemed to have been validly and lawfully co-opted members of the committee, and accordingly no suit or other legal proceedings shall be maintained or continued against any person whatever on the ground that his co-option was not made in accordance with law; and the committee shall have, and shall be deemed to have, power to act, notwithstanding any vacancy in the membership thereof and no act done or the proceedings taken under the principal Act shall be questioned on the ground merely:—

- (i) the seat of any co-opted member remained unfilled from any cause whatsoever; or
- (ii) any co-opted member, irrespective of the defect of his co-option, has voted or taken part in any proceedings.

8 of 1978

STATEMENT OF OBJECTS AND REASONS

Section 11-B of the Himachal Pradesh Municipal Act, 1968 provides that the co-option of the women members has to be made in the case of newly constituted committees in a meeting of the elected members held for the purpose of administering oath of allegiance to the members and in the case of committees already existing within a period of thirty days from date of commencement of Act No. 8 of 1978 *vide* which aforesaid section was inserted in the Himachal Pradesh Municipal Act, 1968. In the event of failure of co-option of the women members in the manner laid down in section 11-B there is no provision in the Act to appoint/nominate the women members of the committees. It has, therefore, become necessary to make suitable provisions in the Act. Moreover it has been noticed that certain co-option of women members have been made after the expiry of thirty days laid down in section 11-B of the Act. As such it has also become necessary to validate the said co-option of the members and the proceedings in which such co-opted members have participated.

2. The Himachal Pradesh Municipal Act, 1968 provides for the elected bodies both for the Municipal Committees and the Notified Area Committees. After the declaration of any local area to be the Municipal Committee or the Notified Area Committee, some time is necessarily required in making the proper arrangements for the conduct of election to the said committee and such local areas remain without any local administration till the appointment and election of the members is notified by the State Government. There is no specific provision in the said Act which may empower the State Government to appoint the Administrator of the Municipal Committee/Notified Area Committee, pending its election. In order to fill up this vacuum it has also become necessary to make the suitable amendments in the said Act.

This Bill seeks to achieve the aforesaid objects.

SIMLA:
The 7th April, 1980.

RAM LALL,
Chief Minister.

FINANCIAL MEMORANDUM

Clause 3 of the Bill empowers the State Government to appoint the Administrator in the Municipal Committees/Notified Area Committees pending the election. Such a contingency is likely to arise in very rare cases. The expenditure, if any, has to be borne out of the funds of the local authority concerned and no part of it shall be spent out of the State exchequer.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill empowers the State Government to prescribe the manner in which the co-option of the members of the Municipal Committee is to be made. This delegation is essential and normal in character.

